

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.50439 of 2007
SUDHIR KUMAR SINHA
Versus
STATE OF BIHAR & ANR

For the petitioner: M/S. Ashok Kumar and Ajay Kumar Singh, Advocates.

For the State: Mr. Jharkhandi Upadhyaya, A .P. P.

2. 15.7.2008. Heard the counsel for the petitioner and counsel appearing on behalf of the State.

The petitioner is an accused in a case under Sections 408, 409, 464, 468, 474 and 120B of the Indian Penal code.

After grant of bail, the petitioner has not appeared in the court for the purported reason that he was transferred and working at different places and he never received any notice from the court after the order of cognizance. It is further submitted that summon was never served on the petitioner.

Learned counsel refers to annexure-2 which is an order dated 26.6.1998 by which non-bailable warrant of arrest was issued against the petitioner. On perusal of the order, it appears that a letter was issued to the Executive Engineer, Electric Department, Motipur asking for details regarding the petitioner whereabouts. However, the court could not get any reply from the office of the Executive Engineer. Non-bailable warrant of arrest was issued which was obviously not on the correct address and as such the petitioner was completely unaware of the proceedings.

With respect to a co-accused this Court had permitted him

to appear in court for the purpose of facing the trial vide order dated 16.1.2007. It has been submitted that the petitioner did not have any information regarding the progress in this case and only came to know through the co-accused that a non-bailable warrant of arrest had been issued against the petitioner.

As such because of the passage of time, I direct that the petitioner should immediately on receiving a copy of this order present himself in court and file an affidavit making an undertaking to appear in court on each and every date during the pendency of the case. The petitioner should not be absent without the permission of the trial court.

The order dated 29.6.1998 and subsequent orders relating to non-bailable warrant of arrest are quashed.

The petitioner will present himself within one week after receiving a copy of this order. I should make it clear that if the petitioner does not present himself within one week from the date of receiving this order alongwith the undertaking, this Court is not going to grant any further time to the petitioner.

The application is allowed to extent mentioned aforesaid.

U.K.

(Sheema Ali Khan,J)